

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: JOSEPH MARION HEAD, JR.,)
Movant.) M.B.D. No. 05-10281-RGS
)
)

MEMORANDUM AND ORDER

By Memorandum and Order dated December 8, 2004, Joseph Marion Head, Jr., was enjoined from filing any additional pleadings in this Court without first obtaining the prior written approval of a judge of this Court. The December 2004 Order required that any written petition seeking leave to file additional papers contain (1) a copy of the December 8th Memorandum and Order; and (2) a certification under oath that there was a good faith basis for their filing. See 12/8/04 Order, Head v. Winn, C.A. No. 04-40084-RGS.

For the reasons set forth below, (1) the Memorandum and Order of December 8, 2004 remains in full force and effect, and Joseph Marion Head Jr. is again advised that he continues to be enjoined from filing absent leave of Court; and (2) documents that fail to comply with this Court's previously imposed filing conditions shall be reviewed twice yearly to determine whether Head has set forth any non-frivolous cognizable claims.

DISCUSSION

By Order dated July 21, 2005, the Court denied Mr Head's several requests seeking leave to file certain documents except that he was granted leave to file a Notice of Appeal in C.A. No.

04-40084-RGS. See 7/21/05 Order, Docket No. 19.

Since that time, Mr Head has submitted twenty-three (23) additional motions, petitions and complaints that have been mailed to the court in nineteen (19) separate envelopes. These documents have been submitted in utter disregard of this Court's orders with respect to preconditions on filing in this Court. None of these twenty-three documents comply, or attempt to comply, with the filing conditions imposed by this Court's September and December 2004 Orders. See 9/17/04 Order, Head v. Winn, C.A. No. 04-40084-RGS; 12/8/04 Order, Head v. Winn, C.A. No. 04-40084-RGS.

The Court recognizes that Head is not an attorney and has been committed to FMC Devens for mental treatment pursuant to 18 U.S.C. § 4245 (hospitalization of an imprisoned person suffering from mental disease or defect). That status, however, does not immunize him from potential sanction. Head's repetitive filing of frivolous pleadings constitutes a deliberate pattern, resulting in the expenditure of hours of the Court's time and resources in processing and deciding Head's filings and pleadings.

Again, the Court advises Mr. Head that his continued submission of frivolous and/or vexatious¹ documents could result

¹Vexatious conduct occurs where a party's actions are frivolous, unreasonable or without foundation. Local 285 Serv. Employees Intern'tl v. Nontuck Res. Assoc., Inc., 64 F.3d 735,

in the imposition of monetary sanctions pursuant to this Court's inherent powers or under this Court's authority under Federal Rule of Civil Procedure 11. See 7/21/05 Order, Docket No. 19.

ORDER

ACCORDINGLY, it is hereby ORDERED:

(1) the Memorandum and Order of December 8, 2004 remains in full force and effect, and Joseph Marion Head Jr. is again advised that he continues to be enjoined from filing absent leave of Court; and

(2) Any papers submitted by Joseph Marion Head, Jr., that fail to comply with this Court's previously imposed filing conditions shall be held by the clerk's office (not docketed or returned to Mr. Head). Twice yearly this Court will review the filings to determine if they present any new, non-frivolous, discernable legal claim. If so, they will at that time be docketed by the clerk and acted upon.

Mr. Head is specifically instructed that any failure to

737 (1st Cir. 1995); accord Alexander v. United States, 121 F.3d 312, 315-316 (7th Cir. 1997) (sanctioning inmate in the amount of \$500 pursuant to court's inherent authority for repetitious, meritless litigation).

comply with these requirements may result in the imposition of sanctions, including monetary fines.

SO ORDERED.

August 3, 2005
DATE

/s/ Richard S. Stearns
UNITED STATES DISTRICT JUDGE